

**ANDERSON COUNTY, TENNESSEE LOCAL EMERGENCY PLANNING COMMITTEE (LEPC)
BY-LAWS OF THE LEPC**

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ARTICLE I NAME AND PURPOSE

SECTION 1. Name

The name of this organization shall be the "Anderson County Local Emergency Planning Committee", hereinafter referred to as the "LEPC".

SECTION 2. Purpose

The purpose of the LEPC shall be:

- A. To carry out for Anderson County those responsibilities required of the LEPC pursuant to Public Law 99-499, Superfund Amendments and Reauthorization Act of 1986 (SARA) Title III, and related regulations including but not limited to:
 - 1. Development, training, and testing of a hazardous substance emergency response plan for Anderson County.
 - 2. Development of procedures for regulated facilities to provide notification to the LEPC in accordance with SARA Title III.
 - 3. Development of procedures for receiving and processing requests from the public under the Community Right-To-Know provisions of SARA Title III.
 - 4. Provision for an annual Notice of Public Availability (Per Section 324) of the emergency response plans, material safety data sheets, and Tier I and II inventory reports as submitted by facilities subject to this law.
 - 5. Provision for public notification of committee activities, public meetings to discuss the emergency plan, public comments, response to such comments by the committee, and the distribution of the emergency plan.
- B. To implement such other and further related activities as may hereinafter be legally required by the Federal Government or the Tennessee Emergency Response Commission (TERC).

ARTICLE II MEMBERSHIP

SECTION 1 Qualifications.

The organization shall consist of those members appointed by the TERC and/or the County Executive and representatives from industry as described in Article II, Section 2.B. Members of the LEPC shall be residents of, or conduct business in, Anderson County.

SECTION 2 Classes of Membership.

The membership of the LEPC shall consist of community and industrial members, as designated by SARA Title III.

A. Appointed Members

Such members shall consist of duly elected or appointed officials of local, state, and federal governments with jurisdiction over any part of the area served by the LEPC; local police, fire fighting, rescue and emergency services; communications media; health professionals; environmental groups; and citizens groups.

B. Facility Representative

Industrial members shall be those persons named by owners or operators of companies within the LEPC boundaries as their facility representatives under provisions of Section 301(c) of SARA Title III. There shall be two classifications of Facility Representative as follows:

1. Full Member.

A representative (including a proxy) of a facility that participates in the funding of the LEPC by paying the full amount of its share or by providing goods and/or services with a value of an equal or greater amount of the annual operating budget as determined by the funding allocation formula adopted by the LEPC.

Per Section 303(d)(1) of SARA, this member shall be the Facility Emergency Coordinator.

2. Associate Member.

A representative of a facility that participates in the funding of the LEPC by paying one-fourth of what its full share would be under the funding allocation formula adopted by the LEPC.

SECTION 3 Number of Members.

There shall be no limit on the number of members to serve on the LEPC.

SECTION 4 Term of Office.

The terms of the members first appointed shall expire on December 31, 1996. Initial appointees shall identify potential members and make membership recommendations to the LEPC Chairman or his designant, the TERC, and/or the County Executive. All members may hold unlimited successive terms as long as they are active members and maintain current membership status.

SECTION 5 Officers.

Officers shall be elected to conduct meetings, appoint subcommittees, keep minutes of meetings, and to otherwise accomplish the work of the committee.

SECTION 6 Vacancies.

Any vacancy occurring in the LEPC by reason of the resignation, death, or disqualification of an appointed member will be filled in accordance with Article II, Section 1. Any vacancy occurring in the Executive Committee as described in Article IV, Section 1 will be filled by appointment by a majority vote of the Executive Committee until such time that a special election can be held.

This election will be held at the next full Committee meeting that allows for at least a two-week notification of the members.

SECTION 7 Annual Notice of Membership.

The County Executive shall, per the TEMA Guidance Document, notify the TERC annually for nominations for changes in the makeup of the LEPC.

SECTION 8 Meeting.

There shall be at least four (4) regular meetings of the Committee per year. The Chairman may call special meetings of the LEPC at such time and place as the Chairman may determine. The Chairman must call a special meeting of the LEPC upon the written request of four members. The special committees shall meet as the work under their groupings proceeds.

SECTION 9 Quorum.

The presence of ten (10) members of the LEPC at the opening of the meeting shall constitute a quorum for the transaction of business by the LEPC.

For the purposes of standing committee meetings, the presence of three members shall constitute a quorum for the transaction of business. For the purpose of the Executive Committee, the presence of a majority of the Executive Committee members shall constitute a quorum for the transaction of business.

SECTION 10 Voting.

All appointed members and full member facility representatives shall be entitled to a vote on all matters presented for a decision by the LEPC. Associate member facility representatives shall be entitled to a full participation in all activities of the LEPC but shall not have a vote.

ARTICLE III OFFICERS

SECTION 1 Enumeration of Officers.

The officers of the LEPC shall be the Chairman, Vice Chairman, Recording Secretary, and Treasurer all of whom shall be elected by the committee as a whole in a manner herein provided and the Custodian of Records who shall be the Anderson County Director of Emergency Management. All officers shall be members of the LEPC.

SECTION 2 Nomination and Election of Officers.

Prior to the expiration of the officer's term of service, nomination and election of officers shall occur. Nominations will be accepted from the floor for the positions of Chairman, Vice Chairman, Recording Secretary, and Treasurer.

The election shall be by ballot, except that when there is only one nomination for each office, election may be by voice vote. These officers shall be selected by a majority of the members of the LEPC present and voting at the meeting.

SECTION 3 Term of Office.

The term of the officers shall be for a period of two years. The term of the officers elected shall expire upon the completion of the election of a slate of new officers. This election shall be held in January of each odd year.

SECTION 4 Chairman.

The Chairman shall preside at all meetings of the LEPC; shall serve as ex officio member of all committees; and shall perform such duties and acts as necessary to accomplish the goals of the LEPC. The Chairman shall be empowered to create such other Ad Hoc committees as necessary to accomplish the goals of the LEPC.

SECTION 5 Vice Chairman.

Upon resignation or death or in the absence of the Chairman, the Vice Chairman shall perform the duties of the Chairman. The Vice Chairman shall perform such other duties as may be assigned by the Chairman. The Vice Chairman shall ascend to the position of Chairman at the expiration of his duties as Vice Chairman and then shall serve as Chairman for a period of two years unless the incumbent chairman is re-elected.

SECTION 6 Recording Secretary.

The Recording Secretary shall keep a true record of the proceedings of all LEPC meetings, including but not limited to a log of all attendants at LEPC meetings and the annual membership rolls of the Standing Committees. Additionally, the Recording Secretary shall send notification of full Committee meetings to all members.

SECTION 7 Treasurer.

The Treasurer shall maintain appropriate accounts and an accurate record of all monies received and expended for the use of the LEPC. The Treasurer shall also be a member of the Finance Committee.

SECTION 8 Custodian of Documents.

The Custodian of Documents shall be the custodian of all books, papers, documents and other property of the LEPC. The Director of Emergency Management of Anderson County shall perform these duties.

ARTICLE IV COMMITTEES

SECTION 1 Executive Committee.

The executive Committee will consist of the Chairman, Vice Chairman, Recording Secretary, Treasurer, Custodian of Documents, and Chairmen of the four standing committees as described below. The duties of the Executive Committee shall be to coordinate the annual review of the emergency plan and the activities of the standing and Ad Hoc Committees.

SECTION 2 Standing Committees.

The following Standing Committees shall be established:

A. Community Awareness Committee.

This committee shall be responsible for the formulation and implementation of a program to inform the citizens of Anderson County about the activities of the LEPC, the emergency notification and information system, the Anderson County Emergency Plan, and other matters related to SARA Title III as may be assigned by the Chairman.

The Chairman of this committee shall be the Community Information Coordinator as required by Section 301(c) and the TEMA Guidance Document.

B. Transportation Committee.

This committee shall be responsible for the development and implementation of a program to address issues related to the transportation of hazardous materials through Anderson County, Tennessee and other matters related to SARA Title III as may be assigned by the Chairman.

This committee shall develop the emergency evacuation section of the emergency plan and may request, as needed, likely transportation routes of hazardous materials to and from any facility under the jurisdiction of the LEPC.

C. Emergency Response.

This committee shall be responsible for planning and conducting drills to practice the Anderson County Emergency Plan, recommend programs to improve emergency response capabilities, and other matters related to SARA Title III as may be assigned by the Chairman. The Chairman of this committee shall be the Anderson County Director of Emergency Management.

D. Finance Committee.

This committee shall be responsible for preparing and presenting a proposed annual operating budget, formulating a plan to finance the activities of the LEPC through the annual operating budget, overseeing the accounting for and expenditure of the funds of the LEPC, and other matters as may be assigned by the Chairman.

SECTION 3 Meetings.

Meetings of the standing, Ad Hoc, and Executive Committees may be called by the Chairman of the LEPC or the Chairman of those committees as deemed necessary.

SECTION 4 Chairmen of the Standing Committees.

The Chairman of each of the Standing Committees shall be elected by a majority vote of the members, as defined in Article IV, Section 5, of that committee.

SECTION 5 Membership of Standing Committees.

All members of the LEPC must annually volunteer to serve on at least one Standing Committee but shall not serve on more than two Standing Committees. At the first quarterly meeting of the LEPC, all volunteers for a Standing Committee shall be given time to meet and elect a Standing Committee Chairman.

The newly elected Chairman shall take a roll of all volunteers, which shall then be submitted, to the Recording Secretary along with the election results as the last action of the Quarterly meeting before adjournment.

Final membership on the Standing Committees shall be determined by the Standing Committee Chairman after consultation with the Executive committee to ensure that all committees have sufficient manpower to carry out their assigned tasks. The Standing Committee Chairmen shall notify which of the volunteers will remain on the committee.

SECTION 6 Ad Hoc Committees.

The Chairman may create ad hoc committees as necessary with concurrence of the Executive Committee. The chairmen of ad hoc committees shall be appointed by the LEPC Chairman.

ARTICLE V MISCELLANEOUS PROVISIONS

SECTION 1 Fiscal Year.

The fiscal year shall be considered to run from January 1 to December 31.

SECTION 2 Indebtedness.

All expenditures in excess of \$2000 incurred by the LEPC shall be approved by the full LEPC. Expenditures below \$2000 shall be approved by the Executive Committee. In addition, the Chairman will approve all payments before they are made by the Treasurer.

SECTION 3 Approval of Bylaws.

These bylaws shall become effective upon approval by a majority of those in attendance at the time of the vote.

SECTION 4 Disqualification.

Any member with three (3) or more absences from regular LEPC meetings in any calendar year is subject to being disqualified at the request of the LEPC to the TERC through the County Executive.

ARTICLE VI AMENDMENTS

SECTION 1 Amendments.

These bylaws may be amended by a two-thirds vote of members present and voting at any meeting of the LEPC provided that any proposed amendments to these by laws be submitted to the Chairman of the LEPC at least thirty (30) days in advance and to the members in writing at least two weeks in advance of the meeting. Approved amendments become effective immediately.

SECTION 2 Emergency Rules.

In emergency circumstances, to be determined by the LEPC, rules may be adopted without prior public notice and comment, provided that no such rule will remain in effect for more than ninety (90) days.

ARTICLE VII PARLIAMENTARY AUTHORITY

SECTION 1 Parliamentary Authority.

The rules contained in Robert's Rules of Order, Newly Revised, shall govern this committee in all cases to which they are applicable and in which they are not inconsistent with these by-laws.